

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DERRICK CRAMER,	:	CIVIL NO. 1:07-CV-0496
Petitioner,	:	(Chief Judge Kane)
	:	
v.	:	
	:	
SUPERINTENDENT OF SCI -	:	
HUNTINGDON, ET AL.,	:	
Respondents	:	

ORDER

On May 21, 2007, a final order was entered denying the petition for a writ of habeas corpus. (Doc. 12). At that time, the Court inadvertently failed to set forth in the order that there existed no basis for the issuance of a certificate of appealability. Therefore, following the filing of a Notice of Appeal, the matter was remanded to the undersigned to make a determination as to whether a certificate of appealability should issue. (Doc. 17).

Title 28 U.S.C. § 2253(c) states as follows:

(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from

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(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

(B) the final order in a proceeding under section 2255.

(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

Denial of the petition was based upon the conclusion that, as a matter of law, the § 2254 petition was barred by the applicable one-year statute of limitations. See 28 U.S.C. § 2244(d)(1)(a). Accordingly, it is determined that there is no basis for the issuance of a certificate of appealability as Petitioner has

not “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

AND NOW, this 25th day of July 2007, **IT IS HEREBY ORDERED THAT** there is no basis for the issuance of a certificate of appealability. 28 U.S.C. § 2253(c).

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania